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MAY 05 2011 HONORABLE SANDRA J. FEUERSTEIN UNITED STATES DISTRICT JUDGE

LONG ISLAND OFFICE

Wright, James RE: 08 CR 231-01 DKT. NO.:

TERMINATION OF HOME CONFINEMENT

Reference is made to the above-captioned individual who was sentenced by Your Honor on March 3, 2010, to three (3) years probation with a special condition of twelve (12) months electronic home confinement (pay for cost), \$271,359 restitution to the Internal Revenue Service and \$47,110.47 restitution to New York State with a payment schedule to be set by the parties and reported to the Court, prohibited from possession of firearms, full financial disclosure, cooperate with the IRS in the assessment and payment of all taxes owed, and a \$100 special assessment. This sentence followed his conviction for Attempted Income Tax Evasion. On January, 24, 2011, Your Honor modified the home confinement term from electronic to non electronic monitoring, due to a medical condition.

MEMORANDUM TO THE

On April 26, 2011, the Court requested the probation department's position with respect to a letter dated April 6, 2011, received by the Court from the probationer's attorney, Eric Naiburg. In the letter, Mr. Naiburg asks the Court to terminate the balance of his home confinement term by giving him credit for home confinement while he was hospitalized from October 16, 2010, to December 22, 2010, and prior to starting the non electronic term. By way of background, Mr. Wright was installed on the electronic home confinement program on April 13, 2010 and had a scheduled termination date of April 12, 2011. Due to a severe leg infection, Mr. Wright was admitted into Mather hospital on the above stated dates. It should be noted that the assigned officer was not aware of this infection until October 12, 2010, and advised the probationer to seek medical care. On October 16, 2010, we had the transmitter removed from his leg when he was admitted into the hospital. Upon his release from the hospital, Mr. Wright signed a waiver agreeing to convert the balance of his electronic home confinement to non electronic monitoring. Your Honor authorized this modification on January 24, 2011. On February 9, 2011, the probationer was installed on the non electronic program and had a scheduled end date of July 30, 2011. Mr. Wright was admitted back into Mather hospital on April 25, 2011, due to complications related to his leg infection.

Due to the offender's severe medical condition and declining health, we agree with defense counsel's recommendation to credit the probationer for home confinement while he was hospitalized. With respect to the special condition of repayment of his federal and state taxes, both the Government and defense continue to work towards a resolution.

Prepared by:

Approved by:

We await your Honor's final decision regarding this matter.

Respectfully Submitted,

JOHN M. DANIELO
Senior U.S. Probation Officer

(631) 712-6311

Light Cala

4-27-11

ELIZABETH DALY
Supervising U.S. Probation Officer

DATE:

(347) 534-3474

Terminate balance of home confinement:

U.S. District Judge

Date:

U.S. District Judge

Date:

Central Islip, New York April 27, 2011